IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

Crl.Rev.Pet.No. 361 of 2007

CRA.168/2006 of ADDL. SESSIONS COURT, VADAKARA
CC.105/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II, NADAPURAM

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REVN. PETITIONER: APPELLANT/ACCUSED:

A.C.BALACHANDRAN,
VALLERIPARAMBATH MEETHAL, KALPATHOOR (P.O),
PERAMBRA, KOZHIKODE.

BY ADV. SRI.THOMAS ABRAHAM
SRI.K.B.ARUNKUMAR
SRI.DIPU.R
SRI.A.I.FAISAL

RESPONDENTS: RESPONDENT/COMPLAINANT/STATE:

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1. K.V. KUNHABDULLA, S/O.AHAMAD,
KOYADAN VEETTIL (H), KUMMANKOD P.O.,NADAPURAM,
VATAKARA TALUK, KOZHIKODE DISTRICT.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No. 361 of 2007

Dated this the 9th day of February, 2007

ORDER

Revision Petitioner is the accused in CC 105/2003 on the file of the court of Judicial First Class Magistrate II, Nadapuram with respect to the offence under Section 138 of the Negotiable Instruments Act. The court below has found the accused is guilty for the offence under Section 138 of the Act and the sentence imposed is to undergo simple imprisonment for a period of one month and to pay a sum of Rs.50,000/- as compensation vide Section 357(3) of Criminal Procedure Code and in default, to undergo simple imprisonment for a further period of three months. The contention of the accused that the cheque was issued as security to another person was found not established. On going through the judgments of the court below, I find that there is no reason to interfere at all.

2. Learned counsel for the revision petitioner has sought for modification of the sentence and for two months' time to pay the amount of compensation. Considering the same, the sentence

imposed is modified to imprisonment till the rising of the court and to pay a sum of Rs.50,000/- as compensation with the default clause that he shall undergo simple imprisonment for a period of three months on non payment. The revision petitioner is granted two months' time to pay the amount of compensation. The accused shall appear before the court to receive the sentence on 10.4.2007.

The revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

C.R.P.No.89 of 2001

ORDER

31st January, 2007